

**House File 2286 - Introduced**

HOUSE FILE 2286

BY GUSTAFSON

**A BILL FOR**

1 An Act relating to notice and election requirements and  
2 limitations for the issuance of certain bonds by political  
3 subdivisions of the state.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 53.37, Code 2016, is amended by adding  
2 the following new subsection:

3 NEW SUBSECTION. 3A. The term "*bond election*", as used in  
4 this subchapter, means an election at which a proposition to  
5 authorize an issuance of bonds by a county, township, school  
6 corporation, or city, or by any local board or commission  
7 authorized by law to issue bonds.

8 Sec. 2. Section 53.39, subsection 2, Code 2016, is amended  
9 to read as follows:

10 2. a. All official ballots to be voted by qualified absent  
11 voters in the armed forces of the United States at the primary  
12 election and the general election, and all bond elections  
13 that are not the general election, shall be printed prior to  
14 forty-five days before the respective elections and shall be  
15 available for transmittal to such qualified voters in the armed  
16 forces of the United States at least forty-five days before the  
17 respective elections. The provisions of [this chapter](#) apply  
18 to absent voting by qualified voters in the armed forces of  
19 the United States except as modified by the provisions of this  
20 subchapter.

21 b. For the purposes of this subsection, the ballot for a  
22 bond election that is not held in conjunction with the general  
23 election shall only consist of propositions to authorize the  
24 issuance of bonds by a county, township, school corporation,  
25 city, or by a local board or commission.

26 Sec. 3. Section 53.40, subsection 1, paragraphs a and b,  
27 Code 2016, are amended to read as follows:

28 a. A request in writing for a ballot may be made by any  
29 member of the armed forces of the United States who is or  
30 will be a qualified voter on the day of the election at which  
31 the ballot is to be cast, at any time before the election.  
32 Any member of the armed forces of the United States may  
33 request ballots for all elections to be held during a calendar  
34 year. The request may be made by using the federal postcard  
35 application form and indicating that the applicant wishes to

1 receive ballots for all elections as permitted by state law.  
2 If the applicant does not specify which elections the request  
3 is for, the county commissioner shall send the applicant a  
4 ballot for each federal election and each bond election held  
5 after the application is received until the end of the calendar  
6 year in which the request is received. If the applicant  
7 requests ballots for all elections to be held in a calendar  
8 year, the commissioner, if necessary, shall forward a copy of  
9 the absentee ballot request to other commissioners who are  
10 responsible under [section 47.2, subsection 2](#), for conducting  
11 elections in which the applicant is eligible to vote.

12 *b.* Unless the request specifies otherwise, a request for  
13 the primary election shall also be considered a request for the  
14 general election. In the case of the general election or a  
15 bond election, request may be made not more than seventy days  
16 before the election, for and on behalf of a voter in the armed  
17 forces of the United States by a spouse, parent, parent-in-law,  
18 adult brother, adult sister, or adult child of the voter,  
19 residing in the county of the voter's residence. However, a  
20 request made by other than the voter may be required to be made  
21 on forms prescribed by the state commissioner.

22 Sec. 4. Section 75.1, Code 2016, is amended by adding the  
23 following new subsection:

24 NEW SUBSECTION. 1A. *a.* For a proposition to authorize  
25 an issuance of bonds by a political subdivision that is not a  
26 county, school corporation, or city, or by any local board or  
27 commission authorized by law to issue bonds, to be submitted  
28 to the electors at a bond election, the political subdivision  
29 shall publish, at least sixty days before the day of the bond  
30 election, notice including the complete text of the public  
31 measure, the date of the meeting at which the election was  
32 called, and the date of the bond election. The notice shall  
33 be in addition to the notice of election provided in section  
34 49.53.

35 *b.* The term "*bond election*", as used in this subsection,

1 means an election at which a proposition to authorize an  
2 issuance of bonds by a political subdivision that is not a  
3 county, school corporation, or city, or by any local board or  
4 commission authorized by law to issue bonds, is submitted to  
5 the electors.

6 Sec. 5. Section 75.1, subsection 2, Code 2016, is amended  
7 to read as follows:

8 2. a. When a proposition to authorize an issuance of bonds  
9 has been submitted for the first time to the electors under  
10 this section and the proposal fails to gain approval by the  
11 required percentage of votes, such proposal, or any proposal  
12 which incorporates any portion of the defeated proposal, shall  
13 not be submitted to the electors for a period of ~~six months~~ one  
14 year from the date of such regular or special election and.

15 b. If a proposal fails to gain approval by the required  
16 percentage of votes at an election following the one-year  
17 period described in paragraph "a" or the two-year period  
18 described in this paragraph, such proposal, or any proposal  
19 which incorporates any portion of the defeated proposal, shall  
20 not be submitted to the electors for a period of two years from  
21 the date of such regular or special election.

22 c. Proposals submitted to the electors under this subsection  
23 may only be submitted on a date specified in section 39.2,  
24 subsection 4, paragraph "a", "b", or "c", as applicable.

25 Sec. 6. Section 260C.15, subsection 1, Code 2016, is amended  
26 to read as follows:

27 1. a. Regular elections held by the merged area for the  
28 election of members of the board of directors as required by  
29 section 260C.11 or for any other matter authorized by law  
30 and designated for election by the board of directors of the  
31 merged area shall be held on the date of the school election  
32 as fixed by [section 277.1](#). However, elections held for the  
33 imposition, rate increase, or discontinuance of the twenty and  
34 one-fourth cents per thousand dollars of assessed valuation  
35 levy authorized in [section 260C.22](#) shall be held either on the

1 date of the school election as fixed by [section 277.1](#) or at a  
2 special election held on the second Tuesday in September of  
3 the even-numbered year. The election notice shall be made a  
4 part of the local school election notice published as provided  
5 in [section 49.53](#) in each local school district where voting is  
6 to occur in the merged area election and the election shall be  
7 conducted by the county commissioner of elections pursuant to  
8 chapters 39 through 53 and [section 277.20](#).

9 b. Additional notice of an election to authorize a bond  
10 issuance shall be given as provided in section 277.2, as if the  
11 merged area were a school district.

12 Sec. 7. Section 277.2, Code 2016, is amended to read as  
13 follows:

14 **277.2 Elections on public measures.**

15 1. Unless otherwise stated, the date of an election on a  
16 public measure authorized to be held by a school district is  
17 limited to the dates specified in [section 39.2, subsection 4,](#)  
18 paragraph "c".

19 2. For a bond election, the board shall, at least sixty days  
20 before the day of the bond election, publish notice in addition  
21 to the notice required by section 49.53. The additional notice  
22 shall include the complete text of the public measure, the date  
23 of the meeting at which the bond election was called, and the  
24 date of the bond election. The term "bond election", as used  
25 in this section, shall mean an election at which a proposition  
26 to authorize an issuance of bonds by the school district is  
27 submitted to the electors.

28 Sec. 8. Section 296.4, Code 2016, is amended to read as  
29 follows:

30 **296.4 Notice — ballots.**

31 1. Notice of the election shall be given by the county  
32 commissioner of elections by publication in accordance with  
33 section 49.53. Additional notice of the election shall be  
34 given as provided in section 277.2.

35 2. The county commissioner of elections shall conduct the

1 election pursuant to the provisions of chapters 39 to 53 and  
2 certify the results to the board of directors.

3 Sec. 9. Section 298.18, subsection 3, Code 2016, is amended  
4 to read as follows:

5 3. a. Notice of the election shall be given by the  
6 county commissioner of elections according to section 49.53.  
7 Additional notice of the election shall be given as provided  
8 in section 277.2.

9 b. The county commissioner of elections shall conduct the  
10 election pursuant to the provisions of chapters 39 through  
11 53 and certify the results to the board of directors. The  
12 proposition shall not be deemed carried or adopted unless the  
13 vote in favor of such proposition is equal to at least sixty  
14 percent of the total vote cast for and against the proposition  
15 at the election. Whenever such a proposition has been approved  
16 by the voters of a school corporation as hereinbefore provided,  
17 no further approval of the voters of such school corporation  
18 shall be required as a result of any subsequent change in the  
19 boundaries of such school corporation.

20 Sec. 10. Section 331.305, Code 2016, is amended to read as  
21 follows:

22 **331.305 Publication of notices.**

23 Unless otherwise provided by state law, if notice of an  
24 election, hearing, or other official action is required by this  
25 chapter, the board shall publish the notice at least once, not  
26 less than four nor more than twenty days before the date of the  
27 election, hearing, or other action, in one or more newspapers  
28 which meet the requirements of section 618.14. Notice of an  
29 election shall also comply with section 49.53. For a bond  
30 election, the board shall, at least sixty days before the  
31 day of the bond election, publish an additional notice. The  
32 additional notice shall include the complete text of the public  
33 measure, the date of the meeting at which the bond election  
34 was called, and the date of the bond election. The term "bond  
35 election", as used in this section, shall mean an election at

1 which a proposition to authorize an issuance of bonds by the  
2 county is submitted to the electors.

3 Sec. 11. Section 362.3, subsection 1, paragraph a, Code  
4 2016, is amended to read as follows:

5 a. If notice of an election, hearing, or other official  
6 action is required by the city code, the notice must be  
7 published at least once, not less than four nor more than  
8 twenty days before the date of the election, hearing, or other  
9 action. For a bond election the city council shall, at least  
10 sixty days before the day of the bond election, publish an  
11 additional notice. The additional notice shall include the  
12 complete text of the public measure, the date of the meeting  
13 at which the bond election was called, and the date of the bond  
14 election. The term "bond election", as used in this paragraph  
15 "a", shall mean an election at which a proposition to authorize  
16 an issuance of bonds by the city is submitted to the electors.

17 Sec. 12. Section 384.26, subsection 3, Code 2016, is amended  
18 to read as follows:

19 3. Notice of the election must be given by publication as  
20 required by section sections 49.53 and 362.3. Notwithstanding  
21 the authorization to post notice in section 362.3, subsection  
22 2, a city shall publish the notice in a newspaper of general  
23 circulation in the city. At the election the ballot used for  
24 the submission of the proposition must be in substantially the  
25 form for submitting special questions at general elections.

26 Sec. 13. IMPLEMENTATION OF ACT. Section 25B.2, subsection  
27 3, shall not apply to this Act.

28 EXPLANATION

29 The inclusion of this explanation does not constitute agreement with  
30 the explanation's substance by the members of the general assembly.

31 This bill makes changes relating to notice and election  
32 requirements and limitations for the issuance of certain bonds  
33 by political subdivisions of the state.

34 Current law specifies those bond issuances requiring  
35 voter approval and the dates of the elections at which these

1 public measures may be submitted to the voters and requires  
2 that notice of the election be published between 4 and 20  
3 days prior to the election. The notice is required to show  
4 all public measures to be voted on at election. The bill  
5 requires counties, cities, townships, school districts, and  
6 merged areas, and any local board or commission authorized by  
7 law to issue bonds, to publish notice of the election on the  
8 proposition to issue the bonds at least 60 days before the day  
9 of the election. The bill applies to those bond issuances that  
10 under current law may be issued only upon voter approval. The  
11 additional notice is required to include the complete text of  
12 the public measure, the date of the meeting at which the bond  
13 election was called, and the date of the bond election.

14 The bill also provides that a military or overseas voter  
15 may request and vote an armed forces absentee ballot for a  
16 local bond election. Under current law, armed forces absentee  
17 ballots must be printed 45 days before an associated election  
18 and must be mailed to military and overseas voters at specified  
19 times. Under current law, armed forces absentee ballots are  
20 only available for federal elections. Current law also allows  
21 certain family members of military and overseas voters to  
22 request armed forces absentee ballots on behalf of an eligible  
23 voter and requires that a county commissioner of elections  
24 (county auditor) send armed forces absentee ballots to an  
25 eligible voter for every federal election during a given  
26 calendar year, if a voter's request for such a ballot in that  
27 year does not specify a particular election. The bill extends  
28 these provisions to include bond elections.

29 Current law provides that when a bond proposition is  
30 submitted to voters and fails to gain approval, the entity  
31 submitting the proposal is prohibited from resubmitting the  
32 proposal to voters, in any form, for a period of six months.  
33 Under the bill, if an entity submits a proposal which fails to  
34 gain approval of the voters, the entity is then prohibited from  
35 resubmitting the proposal to voters for a period of one year.

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1 If a failed proposal is later resubmitted and again fails to  
2 gain approval, the entity is then prohibited from resubmitting  
3 the proposal for two years.

4 The bill may include a state mandate as defined in Code  
5 section 25B.3. The bill makes inapplicable Code section 25B.2,  
6 subsection 3, which would relieve a political subdivision from  
7 complying with a state mandate if funding for the cost of  
8 the state mandate is not provided or specified. Therefore,  
9 political subdivisions are required to comply with any state  
10 mandate included in the bill.